<u>REMARKS</u>

Status

Claims 1-33 are pending, of which claims 1, 10, 13, 17, 24, and 28 are independent claims. All the claims stand rejected as follows:

- Claims 1-4, 10-12, 17-18, and 28 stand rejected under 102(e) as being anticipated by Curry et al. (Pat. 6,493,699).

- Claims 5-8, 13-15, and 19-22 stand rejected under 103(a) over Curry in view of Epstein (Pat. 5,465,317).

- Claims 24-27 stand rejected under 103(a) over Curry.

- Claims 9, 16, and 23 stand rejected under 103(a) over Curry in view of Epstein further in view of Gammel (Pat. 5,832,429).

- Claims 29-32 stand rejected over Curry in view of Franz et al. (Pat. 6,278,968).

- Claim 33 stands rejected over Curry in view of Gabai et al. (Pat. 6,160,986).

Claim 1

Claim 1 recites "an unrecognized speech comparison process ... for comparing said user's speech command ... to determine if the user's speech is <u>unrecognizable speech, as opposed to non-speech</u>." For illustration without intending to limit the scope of the claim, the specification includes at least one passage related to "unrecognizable speech" and "non-speech":

> Speech command 18 received by speech input process 26
> will fall into one of three categories, namely: a) non-speech 24; b)
> unrecognized speech 14; or c) recognizable speech 22.
> Recognizable speech 22 is speech that voice recognition system 16
> can clearly discern the specific and discrete words 44 incorporated
> into speech command 18. An example of recognizable speech 22
> are the words "black cat". <u>Non-speech is not speech at all and is
> typically background noise (such as a door slamming or wind</u>

Applicant : DANIEL L. ROTH AND JORDAN COHEN   Attorney's Docket No.: 10663-013001

Serial No. (Original) : 09/779,426
Filed : February 8, 2001
Page : 10 of 12

> noise) or it may be background speech (such as a conversation that
> is taking place in the background and not intended to be an input
> signal to voice recognition system 16). Unrecognized speech 14 is
> speech in which voice recognition system 16 cannot
> unambiguously make a determination as to the specific and
> discrete words 46 which make up speech command 18. (page 7,
> line 22 – page 7, line 2, emphasis added).

Also for illustration without limiting the scope of the claim, one process for determining whether a received speech input is "unrecognized speech" as opposed to "non-speech" is based on scoring thresholds as described in the specification:

> ... Unrecognized speech 14 can be defined as speech whose
> acoustical score lies in a certain range under the threshold (e.g.,
> 96.00%) of recognized speech. For example, acoustical scores in
> the range of 70.00% to 95.99% may be considered indicative of
> unrecognized speech, in which voice recognition system 16 and
> feedback process 10 realize that the input signal received by
> speech input process 26 is speech. However, the speech is so
> garbled or distorted that voice recognition system 16 cannot
> accurately determine the specific and discrete words which make
> up speech command 18, or speech command 18 is not in the
> recognition vocabulary. Additionally, input signals which fall
> below this range (i.e., in the range of 69.99% and below) can be
> considered non-speech 24. (page 11, line 27 – page 12, line 5,
> emphasis added).

Curry is cited as anticipating claim 1 in part in column 3 [the Applicant suspect that the Office Action meant to cite column 4], lines 31-36. Although Curry may determine if speech is recognized as opposed to unrecognized, Curry does not determine if input speech is unrecognized speech as opposed to non-speech as the claim requires. Curry has only to

categories: recognized speech and unrecognized speech, and therefore does not anticipate the claim. Furthermore, Curry makes no suggestion that unrecognized speech should be distinguished from non-speech, and therefore the claim is not obvious in view of Curry.

The other references cited in the Office Action also do not disclose or suggest determining if a user's speech is unrecognizable speech, as opposed to non-speech. For example, in the rejection of dependent claim 8 the office action cites Epstein:

> ... Epstein teaches a process further includes an unrecognized
> speech window process for defining an acceptable range of
> acoustical scores indicative of unrecognized speech (col. 10, ln.
> 28-33, initializing the recognition threshold defines the recognition
> and unrecognition ranges), wherein the user's speech command is
> defined as unrecognized speech if the acoustical score, chosen
> from a plurality of acoustical scores, which indicates the highest
> level of acoustical match falls within an acceptable range of
> acoustical scores (col. 10, ln. 16-23). (Office Action para. 10).

However, Epstein divides his range of scores into a range for recognizable speech and a second range for unrecognizable speech. He does not have a separate range of scores for non-speech as opposed to unrecognizable speech.

Other independent claims

Each of the other independent claims (10, 13, 17, 24, and 28) includes a similar limitation related to unrecognized speech as opposed to non-speech, and are allowable for the same reasons as those set forth above for claim 1.

Dependent claims

The dependent claims are allowable for at least the reasons as those set forth above for the independent claims upon which they respectively depend.

Applicant : DANIEL L. ROTH AND JORDAN COHEN   Attorney's Docket No.: 10663-013001
Serial No. (Original) :   09/779,426
Filed   : February 8, 2001
Page   : 12 of 12

Cancelled claims

The Applicant has cancelled claims 10-16 as duplicative of other pending claims.

Added claims

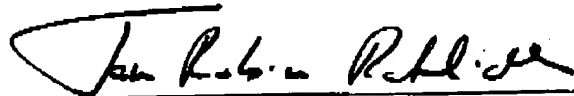The Applicant has added new claims 34-39, including new independent claim 34..

The fact that the Applicant has not made additional comments does not imply that there are not other good reasons for the patentability of the pending claims and additional claims. Also, the Applicant does not necessarily agree with positions taken in the Office Action, for example, related to the teaching of specific references or the grounds for combining multiple references.

Enclosed is a Petition for Three Month Extension of Time. Please apply the required fee of $475 to deposit account 06-1050, referencing attorney docket 10663-013001.

Respectfully submitted,

Date: August 5, 2004

J. Robin Rohlicek, J.D., Ph.D.
Reg. No. 43,349

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20869823.doc